



Patent
Attorney Docket: 612,404-448

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 612,404-448
First Named Inventor: WINDHAB
Prior Application Information:
Serial No. 09/783,763
Serial No. 09/374,338
Examiner: Wessendorf
Art Unit: 1639

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY

FILING UNDER 37 C.F.R. §1.53(b)

This is a request for filing for a continuation application under 37 C.F.R. §1.53(b) of pending prior application U.S. Application Serial No. 09/783,763, filed on February 14, 2001, which is a continuation-in-part of U.S. Application Serial No. 09/374,338, filed August 13, 1999 by WINDHAB et al., entitled:

**METHODS, PROCEDURES, AND FORMATS FOR USING
MICROELECTRONIC ARRAY DEVICES TO PERFORM MULTIPLEX
IMMUNOASSAY ANALYSES**

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying 2004 GANTHONY 00000001 502862 09783763 and is hereby incorporated by reference. The incorporation can only be 1801 filed upon when a portion has been inadvertently omitted from the submitted application parts.

APPLICATION ELEMENTS ENCLOSED

- 63 Page(s) of Written Description
2 Page(s) of Claims
1 Page(s) of Abstract
11 Sheet(s) of Drawings formal informal
4 Page(s) of Declaration or Declaration and Power of Attorney
 Copy from prior application [37 CFR §1.63(d)]
 Newly executed

Other:

COPY Assignment papers (cover sheet and documents(s))

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as "Express Mail Post Office To Addresser" in an envelope addressed to the Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

EV337190266US
Express Mail Label No.
IR1:1056766.8

July 26, 2004
Date of Deposit

Cynthia B. Pacheco
Cynthia B. Pacheco

Adjustment date: 10/21/2004 SDIRETA1
08/12/2004 GANTHONY 00000001 502862 09783763
01 FC:1801 770.00 CR

O'MELVENY & MYERS LLP

BEIJING
CENTURY CITY
HONG KONG
LONDON
LOS ANGELES
NEWPORT BEACH

Irving, Spectre &
Friedman LLP
Irving, NY 10533-3915
TELEPHONE (914) 592-2900
FACSIMILE (949) 737-4900
www.omm.com

NEW YORK
SAN FRANCISCO
SHANGHAI
SILICON VALLEY
TOKYO
WASHINGTON, D.C.

September 3, 2004

VIA FACSIMILE (703) 309-3877

Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Request for Continued Examination - Deposit Account No. 50-2862

Dear Sirs:

The above-referenced deposit account contains an erroneous charge for a Request for Continued Examination ("RCE") in connection with United States Patent Application No. 09/783,763 (Our Reference: 612,406-013, formerly 260/095).

On July 26, 2004, a Transmittal Letter and Petition and Fee for Extension of Time was submitted by Express Mail (EV927499045US) to the United States Patent and Trademark Office (*copy of Transmittal Letter and Petition and Fee for Extension of Time which attached a copy of a Transmittal for Filing for Under 37 C.F.R §1.53(b) [Our Reference: 612,404-448]*). Paragraph 3 on Page 2 of the Transmittal Letter authorized the appropriate fee for the three-month extension of time (\$950.00) to be charged to Deposit Account No. 50-2862.

On July 29, 2004, our deposit account was charged for the three-month extension of time (\$950.00) as Sequence No. 7 and for filing a continuation application (\$770.00) for 612,404-448 as Sequence No. 151 (*copy of July 2004 Deposit Account Statement attached*).

It has come to our attention that the fee for filing an RCE was subsequently charged to Deposit Account No. 50-2862 on August 12, 2004 as Sequence No. 1 in the amount of \$770.00 (*copy of August 2004 Deposit Account Statement attached*).

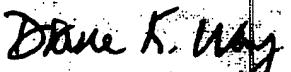
We believe this fee should not have been charged to our deposit account and request that \$770.00 be credited back to Deposit Account No. 50-2862.

BEST AVAILABLE COPY

O'MELVENY & MYERS LLP
U.S. Patent and Trademark Office, September 3, 2004 - Page 2

Should you have any questions, please do not hesitate to contact us.

Sincerely,



Diane K. Wong, Reg. No. 54550
for O'MELVENY & MYERS LLP

DKW:kmg

Enclosures

BEST AVAILABLE COPY

Applicant: WINDHAB et al. DKE/P
Serial No.: 09/783,763 Filing No.: 612,300-013
For: METHODS, PROGRAMS AND FORMATS FOR USING
MICROELECTRONIC ARRAY DEVICES TO PERFORM MULTIPLEX

Please acknowledge receipt of this document by affixing hereon the Patent
and Trademark Office date stamp and returning this card to our office.

Enclosures:

1. Transmittal Letter (in duplicate)
2. COPY of new continuation application transmittal (Exp Mail Label
No.EV337190266US)
3. Receipt verification postcard

Date of Deposit: July 26, 2004
Express Mailing Label No. E1927499045US
IR1:1056799.1

E1927499045US

BEST AVAILABLE COPY

O'MELVENY & MYERS LLP**BEST AVAILABLE COPY**114 Pacifica, Suite 100
Irvine, California 92618-3318TELEPHONE (949) 737-2900
FACSIMILE (949) 737-2300**FAX TRANSMITTAL****DATE & TIME:**

Friday, September 03, 2004, 11:44 AM

TOTAL NUMBER OF PAGES:

14

TO:MAIL STOP 16
Director of U.S. Patent and
Trademark Office**FAX NUMBER:**

(703) 308-5077

TELEPHONE NUMBER:**FROM:**Diane K. Wong
Reg. No. 54,550**RETURN FAX NUMBER:**

(949) 737-2300

TELEPHONE NUMBER:

(949) 737-2900

MESSAGE

Re: Request for Refund – Deposit Account No. 50-2862

Attachments:

- | | |
|---------|--|
| 2 pages | letter to Mail Stop 16 |
| 1 page | COPY of postcard submitted 7/26/04 |
| 2 pages | COPY of Transmittal Letter and Petition and Fee for Extension of Time as filed 7/26/04 |
| 4 pages | COPY of Application Transmittal as filed 7/26/04 |
| 2 pages | Deposit Account 50-2862 Statement dated July 2004 |
| 2 pages | Deposit Account 50-2862 Statement dated August 2004 |

IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CALL Cinda AT (949) 737-2900.

FILE NO.:

612,406-013

RETURN ORIGINAL TO:

USER NO.:

13367

DATE FILED:

RESPONSIBLE ATTY NAME:

Diane K. Wong

LOCATION:

IR

SPECIAL INSTRUCTIONS:

This document is intended for the exclusive use of the addressee. It may contain privileged, confidential, or non-disclosable information. If you are not the intended recipient, please do not copy or distribute it. If you have received this document by mistake, please call us promptly and securely dispose of it. Thank you.